



Office of the Legal Counsel

To whom it may concern,

You will find following a Revised Draft Six of the Code of Ethics. The original Draft Six was prepared by a Consultative Committee chaired by Professor Fred Bird and was submitted to the Interim Rector. Following the submission of Draft Six to the Interim Rector, the undersigned was asked to prepare a Revised version of the document so as to bring the Code, in a technical sense, into accord with already existing collective agreements and policies. I attempted to leave the substantive elements of the Code intact and merely concerned myself with technical adjustments.

Deletions are noted by a ~~line through the deleted words~~ while additions are noted in **bold**. Where necessary, I have added explanations for the modifications in **bold [square brackets]**.

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Legal Counsel

September 9, 1994

## CONCORDIA UNIVERSITY CODE OF ETHICS

## GUIDELINES FOR ETHICAL ACTIONS

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(DRAFT OF MODEL)

CONCORDIA UNIVERSITY

CONFIDENTIAL DISCLOSURE FORM

Who should fill in and sign the form?

This form is to be filled out annually by all full-time university employees and fellowship holders. The form is designed to identify real, potential as well as apparent conflicts of commitment and conflicts of interest. At the same time, it allows university members to indicate how these conflicts are being managed.

University members are expected to discuss with their chairs and immediate supervisors the activities and interests indicated on the forms. After discussing the form with these people, university members will then submit the form to their faculty dean or corresponding unit supervisor, or graduate dean in the case of graduate fellowship holders.

Failure to disclose relevant activities, interests and the misrepresentation of these activities and interests, constitute serious offenses.

When completing this form, university members do not need to reveal information that is supposed to remain confidential. Thus, a university member may indicate that she/he has been working for so many days on contract with a government agency without having to reveal the specific conditions of the contract, which may itself require confidentiality.

Responsibilities of Chairs and Immediate Supervisors

Chairs and immediate supervisors are expected to discuss information on these forms with their colleagues and subordinates. They should attempt to clarify ambiguities, offer collegial counsel, and raise questions, if necessary. If information on these forms seems to give the appearance of conflicts of interest or commitment, they should raise these concerns with the person who fills the form, and if they are not satisfactorily resolved, they should refer to the deans or corresponding unit supervisors.

Responsibilities of Deans and Corresponding Unit Supervisors

Deans and unit supervisors shall acknowledge receipt of these forms. They shall also review them, raise questions with colleagues and subordinates when relevant, and identify and clarify any apparent, potential or real conflicts of commitment or interest. It is their responsibility to initiate warnings (and commendations) when called for in light of the guidelines of the University Code of Ethics. They also have the obligation to initiate actions to rectify situations that contravene this code and to proceed with allegations if these warnings are ignored and rectifying initiatives are thwarted.

CONCORDIA UNIVERSITY

ANNUAL DISCLOSURE FORM

(CONFIDENTIAL)

Name: \_\_\_\_\_ Date: \_\_\_\_\_

DISCLOSURE FORM

1. Regular External Remunerative Activities

Identify and describe any external professional, consultative, artistic or community commitments for which regular remuneration is received. (The following would ordinarily not count as regular external remunerative activities: receiving honoraria for talks or seminars; royalties for writings, patented materials, or copyrighted productions; fees for serving as expert witnesses -- so long as none gave rise to any real or potential conflicts of interest or commitment). Describe the nature of each commitment, the amount of time involved, the relationship, if any, to your university work, and how any real or apparent conflicts of interest or commitment are being managed.

2. Regular External Non-Remunerative Activities

Identify and describe any non-remunerative activities, which because of the character or the extent of the activity may pose an apparent, potential or real conflict of commitment. Discuss how these are being managed, and their relationship, if any, with your university work (i.e. community activities, involvement in professional associations, agencies, etc.).

3. The Uses of University Resources

If you use university resources -- office space, telephone, mail service, E-mail, fax, secretarial help, laboratories, your own working time, etc. -- for any external professional, artistic, consultative, and community activities, indicate the nature and extent of this use, whether you have received written permission for this use, and what arrangements you have made with the university.

4. Material Financial Interests

Indicate if you possess any significant material financial interests in an organization with which Concordia transacts business. Please indicate the nature and extent of these interests and what arrangements you have made to manage any conflicts of interests that might arise. Significant financial interests include ownership, substantial stockholding, directorships, substantial honoraria or consulting fees, but does not include routine stockholding in largely publicly traded companies.

(The failure to disclose and the misrepresentation of information relevant to these items constitute serious offense.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of department chair or immediate supervisor

# CONCORDIA UNIVERSITY CODE OF ETHICS<sup>1</sup>

## GUIDELINES FOR ETHICAL ACTIONS

### PREFACE

This code is designed as a handbook to guide all university members - faculty, students, administrators, staff and Board of Governors - on appropriate behaviour in relation to the university.

The code sets forth standards for good academic conduct in three different ways. Some standards take the form of specific rules, the violation of which constitutes misconduct and is subject to disciplinary action. (For example, we must not plagiarize or cheat or fabricate research results. We must disclose real or potential conflicts of commitment and conflicts of material financial interests. We must obey laws relevant to our work as University members.) Other standards assume the form of ideals towards which we aspire; they state standards of excellence. Still other standards assume the form of broad principles. They state general criteria concerning authorship, research ethics, ways of identifying conflicts of commitment, as well as ways of gauging conflicts of interest. Questionable behaviour occurs whenever we fail to comply with these standards.<sup>2</sup>

Ethical issues may arise in many different guises: as currently unrealized ideals we seek to achieve, as conflicts we seek to mediate, as dilemmas we seek to understand and manage, as questionable behaviour we seek to limit and correct, and as misconduct we seek to stop and punish. Ethical codes are inadequate if they only attempt to police misconduct and do not help us act responsively and responsibly in relation to less dramatic situations.<sup>3</sup> This code is designed to foster and not suppress discussions and conversations about ethical concerns, especially about the wide variety which call for debate, deliberation and judgement.

This code does not stand on its own. Members of the University are already guided by a number of other codes, policies and directives which set forth standards of good conduct. The code recognizes their importance, and is designed to complement and not to supersede them. These other codes and policies, which already possess some measure of authority, include: the Social Science and Humanities Research Council's (SSHRC) *Guidelines for Research with Human Subjects*; the Canadian Council on Animal Care (CCAC) *Guidelines on Animal Care*; professional ethical codes for specific professions; existing collective agreements; and Concordia University's existing codes of conduct, which are reprinted in every graduate and undergraduate calendar.

This code stands in close, complementary relationship with the collective agreements between the University and the full and part-time faculty associations and the several trade



unions at Concordia. These agreements state in legally binding terms for specific constituents what kinds of behaviour (i.e. what this code refers to as misconduct) are subject to disciplinary actions. These agreements presume standards and principles which this code states, and set forth specific rules and procedures which this code echoes in more general terms. University members are directed to examine relevant collective agreements for information that is specific to them and, in particular, when the question of disciplinary procedures arises. University members who belong to unions shall be governed by the disciplinary procedures set out in the relevant collective agreement while University members who do not belong to unions shall be governed by the procedures set out in this code.

[This modification is at the heart of the present revision of the code. It illustrates that unionized employees may only be disciplined according to the provisions of their collective agreements.]

This code has incorporated material from several sources, including the Tri-Council Policy Statement on Integrity in Research and Scholarship, the Canadian Association of University Teachers' document on academic misconduct, the International Committee of Medical Journal Editors' statement on authorship, and the National Science Foundation (USA) distinction between misconduct and questionable behaviour.

## INTRODUCTION

The six principles which govern this code of ethics include commitments to truth, academic freedom, integrity, collegiality, justice and public accountability. The standards and processes spelled out in this code attempt to embody and give life to these principles. In turn these standards and processes will foster responsible ethical behaviour to the extent that we commit ourselves to these principles.

The Pursuit of Knowledge and Truth. First, Concordia University like all universities is committed to the pursuit of knowledge and truth. We do this in several ways. Through scholarly inquiry, we seek to know more about the world, to discover new truths, and to uncover and correct misconceptions. Through instruction and classroom discussion, we seek to encourage a love of learning, to overcome ignorance, to foster a rigorous examination of ideas, and to transmit knowledge. Because the commitment to truth and knowledge is so fundamental to our task, the University is undermined by conscious acts of deceit, particularly in academic activities. Therefore we treat plagiarism, cheating, fabrication and forgery as grave offences. Even when these acts of deceit do not cause extensive material damage, they attack a value central to the university and undermine its public credibility.

Academic Freedom. Second, we are committed to academic freedom. We seek to promote those activities that provide opportunities for people to pursue their academic objectives - their research, teaching, education and scholarship. Academic freedom calls us to protect these activities so that they are not interfered with. Traditionally, academic freedom has meant the right of faculty to communicate openly in their teaching and scholarship, and to participate in university and public debates without censorship. All university members ought to be able to communicate informed views and criticisms based on their learning and study without being censored. Academic freedom also implies academic responsibility: respect for the rights of others to express their opinions, fairness in expounding differing points of view, and the encouragement of critical thinking.

Integrity. Third, we are committed to individual integrity. This means that we should exercise good judgement, act without deceit, and be guided by our informed consciences. More than most institutions, universities give their members considerable discretion in how we choose to use the universities' collective resources - the libraries, buildings, equipment, and the working hours of the members involved. Whether and how well we make good use of these resources depends in large part on the integrity with which we pursue our academic objectives.

Collegiality. Fourth, collegiality is integral to our identity as a university. Because of our commitment to collegial decision making, we make our basic organizational decisions through representative collegial bodies, such as departments, councils, a university senate and a board of governors, as well as through faculty, staff and student associations. Collegiality also deeply and extensively influences our activities as educators and scholars, artists and athletes, students and staff. It fosters lively discussion, good questions, pointed

criticism and instructive appreciation. We evaluate each others' work through peer reviews and collegial responses. We collaborate when it is useful, and hold each other accountable for our work, whether it be academic or non-academic. The extent to which we are able to promote responsible - even exemplary - conduct and to avoid misconduct depends in large part upon our capacity to foster a lively sense of collegiality.

Justice. Fifth, we are committed to justice. This commitment assumes several forms in relation to university concerns. The principle of justice calls, in the first place, for respect for persons. Therefore we commit ourselves to protect information we receive in confidence, to seek the informed consent of research subjects, and to provide timely, objective and reasoned feedback to any whose work we may be called upon to evaluate. In addition, in keeping with the principle of justice, we endeavor to develop procedures to facilitate a fair and reasonable allocation of resources within the university. Accordingly we seek to balance the claims and interest among departments and activities in ways that recognize diversity in talent and expertise while promoting the good of the University as a whole. Finally, we are led by our commitment to justice to insist upon fair procedures for adjudicating disputes and negotiating agreements. These include commitments to due process, the right to proper notice, the right to represent one's own views ~~and to cross-examine those who accuse us~~, [this deletion is necessary because, in fact, the right to cross-examine only arises in the context of a formal grievance procedure which only takes place after a disciplinary decision has been made] the right to see and hear evidence against oneself, and the right to receive reasoned and timely judgments of complaints and disputes.

Public Accountability. Sixth, we are also accountable to the public. We have received our charter as a university from the public, and many of our activities are financed by tax revenues. The University is obliged to fulfil its mandate: by providing good service to our clients, by helping students develop their skills and knowledge, by conducting good research for those near and far who can benefit from this work, and by fostering learning and artistic creativity. The University serves a diverse constituency, and must always be mindful of its status as a public service institution.

## CHAPTER ONE: ACADEMIC INTEGRITY

Academic Work. The university fosters academic work, which involves education, learning, scholarship, scientific and artistic creation, as well as, collegial activities and professional services. Full-time faculty are expected to contribute in all these ways, and in consultation with their chairs (or deans), determine the time they will devote to each type of academic work. Many other university members support rather than directly participate in academic work. Others engage in some, but not other, aspects of it. Ethical guidelines related to learning and collegiality are discussed in this chapter. Ethical guidelines related to scholarship and creativity are discussed in chapter two. Chapters three and four discuss ethical guidelines related to the professional service aspect of academic work.

### A. Educational Responsibilities

Good education is gauged by the quality and quantity of learning that takes place among those participating in university activities. Faculty and students are expected to devote their energies conscientiously to develop their competence, their effectiveness as teachers and students, and their ability to learn.

Faculty.<sup>4</sup> Faculty are expected to be conscientious in the preparation and organization of their classes. They should encourage the free exchange of ideas among themselves and between themselves and students in order to foster good academic experience. These exchanges must be governed by standards of fairness. Faculty should provide students with instructive, timely and fair evaluations of their work. Evaluation without explanation is not instructive. Faculty are expected to be available to meet with their students (outside of class time) and to address questions related to their education.

Student. Students are expected to act with integrity in all their work and activities. Students own their intellectual work to the degree of their own contributions. They ought not relinquish this right. They should not restrict access to data to faculty or others who helped create it. The same holds true for faculty. They likewise possess the right to ask for re-evaluation of their assignments in keeping with established procedures, and the responsibility to contribute to the evaluation of courses.

Students are expected not to cheat on their exams, essays and lab work. The temptation to cheat can be strong because of the emphasis on grades as marks of competence and because questionable practices of some students seem to go undetected. This problem must be addressed so that all students are evaluated fairly.

Supervisory Relationships. As they enter into supervisory relationships, faculty and students assume certain responsibilities towards each other. Faculty are expected to communicate clearly what is expected of students, to be available periodically for consultations, to instruct students and foster their learning, and to provide reasoned evaluations of their work. Students in turn are expected to perform their work conscientiously and to seek out counsel and criticism of their work. Whenever students are invited to work on research projects, they should be fully informed with respect to the purposes of these projects and their knowledgeable consent should be obtained.

## B. Collegial Responsibility

All University members are expected to act collegially. We are expected to be good citizens of the University, to take good care of the resources entrusted to us, to act civilly towards other University members (to foster the academic culture), and to support the University and its work by our presence and efforts. Collegiality does not presume homogeneity of views. It does entail mutual accountability.

Confidentiality. We must keep in confidence all confidential information about each other, whether concerning our careers, academic progress or personal lives especially

information shared through peer reviews. We may reveal this information to others only with expressed permission or as required by law.

Participation in University Life. As faculty, administrators, students and staff, we have the right and the responsibility to participate in the governance and administration of the University, through membership in committees and organizations at the board, senate, faculty and departmental levels. We are committed to openness in all these institutional deliberations. Faculty especially are expected to be available and accessible to other faculty, to share ideas, to answer questions, to review and evaluate their work, and to listen and offer counsel on concerns related to teaching and research.

Safety. The University has an obligation to provide safe conditions for academic work of its members. It must take effective steps to prevent unreasonable disruptions of its work place. In addition, University members are jointly responsible for promoting safe conditions for their work in classrooms, laboratories, studios, sports arenas and elsewhere. Due care must be exercised when working with hazardous materials. It is our responsibility to address this concern both by counselling people to exercise care, and by calling attention to conditions that seem unsafe or risky.

## CHAPTER TWO: INTEGRITY IN RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY

Students, faculty, administrators and staff are directly engaged in activities aimed at enhancing research, scholarship, and creative work, and their own corresponding skills. Several ethical guidelines are fundamental to these activities.

Truthful Attribution. We are expected to produce our own work and to represent as our own only what we ourselves have produced. Plagiarism, falsification, forgery and fabrication represent serious violations of this standard. In our scholarship and creative work, we are expected to give due credit whenever we consciously use the words and phrases, designs and melodies, expressions and formulations of others, either by direct citation, replication or paraphrasing. This standard applies whether the originals were published or not. Whenever we are called upon to present our own work after participating in study or research teams, we should indicate how we have drawn upon or been helped by other members of the group.

Authorship Standards for authorship vary between disciplines, and some may set more precise guidelines than those outlined here. Nevertheless, certain criteria remain valid in all disciplines. Authors ought to meet the following criteria: (1) they must make a substantive contribution to the design and/or analysis and/or interpretation to the works of art or to the research projects and the data they produce; (2) they must help produce the work of art or help draft or revise subsequent articles or books which report on this research; (3) they must play a significant role in reviewing these publications or creations

in relation to their intellectual or artistic content; and (4) they must approve the final draft of these publications, exhibitions or performances. Other contributions should be indicated in footnotes or acknowledgment sections.<sup>5</sup> When parts or all of doctoral or master's dissertations are published, faculty supervisors may be listed as authors if they have made a substantive intellectual contribution to this work and participated in the revision of this work for publication. Faculty, students and staff are expected to obey the law with respect to the use of copyrighted material, the protection of trade secrets, and the use of patented material.

Contributing Roles. It is often appropriate to acknowledge the contributing role of those who perform only some of these tasks or who only help to gather data or to secure funding. Scholars who help to secure funding but do not actively and intellectually participate in a research project or in preparing subsequent written reports should still be acknowledged for their contribution. Moreover, when applying for research funding, faculty who have either created research programs that have resulted in published works by others or supervised the dissertation projects of students should list these works by others as the products of their research teams and teaching activities.

Scientific and Artistic Productivity. As a university, we hope that as many of our artists and scholars as possible will contribute to the arts and sciences. However, we must guard against the use of simplistic and arbitrary measures of scientific and artistic productivity. What matters most is not just the number of works we produce but their quality, their contribution to the development of the arts and sciences, the extent to which other scientists and artists find them worthy, or their contribution to social well-being.

Research With Human Subjects and Animals. Appropriate guidelines must be followed for research involving human subjects, animals, and dangerous materials. These guidelines apply under all conditions, whether the research is funded or not, and whether it is conducted by faculty, students, staff or visiting researchers. When conducting research with human subjects, researchers are expected to include as subjects only those who have freely chosen to participate on the basis of informed consent, who may discontinue their participation at any time if they so choose, who are informed if any deception is employed, who are adequately protected from any potential risks and dangers, and who are appropriately counselled and referred for assistance if necessary.<sup>6</sup> Anyone proposing to undertake research with human subjects must complete a summary protocol form, which must be approved by either the University Human Research Ethics Committee or equivalent departmental committees<sup>7</sup>. Similarly, anyone undertaking research using animals must adhere to recognized guidelines on animal experimentation, take good care of these animals, and avoid unnecessary pain.<sup>8</sup> They must complete application forms which are then reviewed by the Animal Care Committee of the University. Where appropriate, they should consult with the University Bio-hazards committee or the University Radiation Committee.

Use of Research Funds. Researchers are required to follow strictly the regulations



governing the use of research grants published by granting agencies as well as relevant university regulations. Researchers are responsible for ensuring that good judgment is exercised at all times to make appropriate use of research funds. They are also responsible for providing clear explanations for their allocation of research funds. All direct funding sources used in the conduct of research should be acknowledged in publications, exhibitions or performances.

Although researchers are encouraged to use their grants to share common research expenses, these should be apportioned on the basis of the benefit or use obtained. Grants must be used for the benefit of the researcher's own research program. Researchers must not be required to contribute to *pooled* expenses from which they obtain no benefit.<sup>9</sup>

Privileged Confidential [this deletion is necessary because privileged has a specific meaning that is inappropriate in this context] Information. University members often gain access to ~~privileged~~ and confidential information either in conjunction with their research, participation in the peer review process, or as teachers and supervisors. We should protect and honour these confidences and not use information gained thereby for our own advantage or to discredit others.

Research Methods. Scholars and researchers are expected to protect the integrity and soundness of their research processes. This means that they should at all times check the validity of their observations, and retain copies of their own data, analysis and written observations for reasonable periods of time.

As researchers, students, faculty and staff we produce data, some of which we use to write articles, books and reports. It is a noteworthy scholarly achievement to create usable data. While formal title to the data may be vested in the name of a specific researcher or administrator, all faculty, students, post-doctorates and staff who intellectually contributed to its generation should have access to it. Proprietary claims which researchers possess with respect to data are not unlimited. For example, if after publication, we are challenged by other researchers, we must allow the challengers to examine our data in order to verify the reliability and validity of our readings and interpretations. In addition, whenever possible, collegiality ought to foster professional collaboration and limit restrictive hoarding of data or novel research instruments.

### CHAPTER THREE: CONFLICTS OF INTEREST

Conflicts of interest refer to situations in which the judgments and subsequent actions of individuals are likely to be affected because of multiple, competing interests. In these settings, we need to find responsible ways of balancing personal autonomy, privacy, professional integrity, and public accountability.

Types. Various conflicts of interest may arise with university ~~personnel~~ members [consistency]. This document highlights four major kinds: those conflicts of interest

involving valued personal relationships, those arising in relation to the use of university resources, those arising out of material financial interests, and those interests arising out of external collaborative activities.

Disclosure and Consultation. Whenever actions or decisions or the actions or decisions of others might be adversely or disproportionately affected because of the contributions mentioned above, we have an obligation to disclose these interests and related concerns to appropriate supervisors and colleagues. We have a further obligation to consult with them on the measures to be taken to identify, manage and/or terminate real or potential conflicts of interest. It is particularly useful to discuss situations in which there are only *apparent* conflicts of interest. Open discussions of these apparent conflict situations can show the University and its members how to discern more clearly the differences between real and apparent conflicts. It is wrong to conceal knowledge of material facts bearing upon instances either of misconduct or questionable practices.

Refusing Gifts. As we engage in transactions and make decisions relating to our work at the University, we ought in all situations to decline and indicate our unwillingness personally to receive sizeable gifts or benefits from those engaged in such transactions or work. Small gifts may be received so long as they do not appear to lead us to make decisions that unfairly benefit the donor.

Terminating Activities. Cases where real or potential conflicts of interest are particularly severe can only be resolved by terminating the activities giving rise, or likely to give rise, to these conflicts.

Need for Discretion. The range of fitting responses to conflicts of interest is diverse. Not all real or potential conflicts of interest can be managed simply by disclosure of the interests involved; different conflicts call for different responses. In order to exercise good judgment, these cases need to be discreetly yet fully discussed by the persons involved and their supervisors. Any public questioning of the appropriateness of particular responses ought to be avoided until regular, internal avenues of inquiry have been pursued and exhausted.

#### A. Conflicts of Interest Involving Valued Personal Relationships

What Is of Concern Here. The quality of decisions may be adversely affected sometimes in settings where those making the decisions have valued relationships with those who are the subjects and possible beneficiaries of these decisions. The critical concern here is to ensure that personal regard, whether positive or negative, does not unduly, unknowingly, inappropriately or unfairly affect how decisions are made. Conflicts of interest are likely to arise when people are involved in making decisions which affect the prospects of members of their families, persons with whom they have intimate relationships, and persons with whom they have on-going hostile relationships. Ideological disputes also make it more difficult sometimes for people to make impartial and professional decisions.



Basic Strategy. We ought to excuse ourselves from decision making affecting any members of our families, relatives, or those with whom we have or have had intimate relationships. Unless it can be shown to be of negligible importance, we should generally excuse ourselves from decisions affecting present or former business partners. We may excuse ourselves without openly having to declare the reasons for our decisions, if we judge that our personal regard for others will adversely affect the objectivity of our decisions. However, in many cases, we can manage potential conflicts of interest by frank but discreet disclosure of these relationships and by the readiness of our colleagues to speak up whenever personal bias seems to arise.

Conflicting Roles. Conflicts of interest may arise when the same person plays several roles within the University. These positional conflicts of interest are similar to those arising out of valued personal relationships, in that a University member can be involved organizationally in two or more relationships with another member such that the interests specific to one role or relationship can affect inappropriately decisions made with respect to the other role or relationship. As with valued personal relationships, these real, potential and apparent conflicts of positional interest can be handled by excusing oneself from making a decision where it either becomes or appears difficult to render balanced, objective judgements. These conflicts of interest may also be handled by open and collegial attention to possible bias.

#### B. Conflicts of Interest Arising in Relation to the Use of University Resources

Using University Resources for External Purposes. The University has diverse resources, including the working time and competence of University members. They can in turn use these resources to pursue goals integral to the University and goals which further their own interests. The line between these two is not always easily drawn. No University member shall use University resources for paid professional or consultative purposes without notifying his or her immediate supervisor as well as gaining the permission of the relevant dean or director. Notification of such activities, where possible through the use of an existing University form for consulting, is mandatory. University members must inform their supervisors whenever they judge that a real, potential or apparent conflict of interest may arise with respect to the use of University resources. They must discuss these matters thoroughly and discreetly to determine whether any real or potential conflict exists and how it might be handled.

University Claims. The University has the right to claim a proportion of the benefits that may accrue to individuals using University resources for external activities. For example, the University ~~reserves the right to~~ charges [the University does in fact charge] overhead fees for all contract research projects. The University reserves the right to charge fair rental fees for the use of its gyms, dining halls and classrooms for community and professional groups using them for their own purposes. If used for outside activities or personal purposes, members shall pay the University for computer time, lab equipment and supplies, long-distance calls, secretarial services, mail services, and accounting services, as

appropriate. The administration for collecting fees may differ, but in each case, the appropriate vice-rector is ultimately responsible.

Seeking Resolutions. Whenever those with supervisory responsibilities judge that University resources are being used inappropriately or without fitting compensation for the University, they should raise their concerns with the University members in question and seek a fair and fitting written resolution. Should they be unable to reach an agreement, these cases may be referred up to the relevant vice-rectors, Secretary-General and/or Rector.

Use of University Name. We need the express permission of the Board of Governors to utilize the university's name for any purpose unrelated to our role or duties at the university.

### C. Conflicts Arising Out of Material Financial Interests

Contracting to Sell Work and Services. University members may freely contract to sell works they have produced as University members without occasioning conflicts of interest. These works may include essays, books, films, works of arts, choreography and inventions. ~~In keeping with the collective agreement with full time faculty and equivalent provisions in other agreements, University members can either choose to seek copyright and patent protection on their own, or use University services to acquire these.~~ The provisions of the relevant collective agreements shall apply. Where a collective agreement is silent or where there is no collective agreement in place, the member shall negotiate a written agreement with the appropriate Vice-Rector, Secretary-General, Rector or Chair of the Board with respect to the sale of their work.

[This modification is necessary so as i) to not restrict the content to the provisions of the current CUFA agreement and ii) to provide a mechanism for members whose agreements are silent as well as for members who are not covered by a collective agreement.]

Making Transactions. Conflicts of interest can arise when University members, including members of the Board of Governors, have material interest in firms or organizations with which the University enters into transactions. University members can unfairly benefit as a result of these transactions. Therefore, we should excuse ourselves from negotiating transactions with firms in which we, ~~or~~ close relatives, ~~or those with which we have a valued relationship~~ possess significant material financial interest.<sup>10</sup> We should excuse ourselves from any settings in which as a University member we would be negotiating with ourselves as representatives of other agencies or firms. In settings where we still possess a material financial interest of a smaller or less direct nature, as, for example, a copyright author of a text, we should consult with our supervisors ~~or~~ and colleagues when making related purchasing decisions.

Other Concerns. As an external activity, some University members establish firms to offer consultative services, engage in research under contract to others, or fabricate and/or market goods or services. Our involvements in these firms must not infringe on our contractual commitments to the University. These involvements should not hamper the University's own research and professional activities. In so far as we use University resources, including our own working time, to develop or provide these services or goods, we ought to compensate the University. If students are hired to work for these firms, their activities as employees should not affect their evaluation as students.

#### D. Conflicts of Interest Arising Out of External Activities

External Collaborations. Increasingly, universities and their members have developed working relationships with government agencies and private industry which support and extend their research and use their skills and knowledge in ways that are socially, and at times economically, beneficial. These relationships have been encouraged by government and welcomed by industry. They often provide opportunities to expand and support academic, creative, athletic and scientific activities, to establish useful applications for scholarly work, and to offer training opportunities for students. However, potential conflicts of interest arise as the lines between the university and industry, scientific research and industrial development become blurred.

Fostering Connections. We explore ways of connecting these external collaborations with scholarly, scientific, athletic and creative endeavours at the University, through its research and service centres. Such connections facilitate stimulating exchanges of ideas and mutually alert accountability. They also limit the extent to which University members isolate themselves from colleagues and become excessively preoccupied by their external work.

Specific Guidelines. In addition to guidelines already discussed concerning both conflicts of commitment and interest, several additional considerations bear upon these external ventures. As University members, we should enter into external collaborative research only when (1) the conditions of these arrangements allow us to publish the results of our investigations in a timely fashion. (2) If collaborations assume the form of contract research then they must adhere to the University policy for these ventures. (3) University members receiving funds from these projects must make annual reports to the appropriate vice-rectors on the status of the funds and the use made of them. (4) ~~Whenever our engagement in external work exceeds the time limit set by the relevant collective agreement, we should reduce the external activity or negotiate fractional or partial reduction in our University commitment.~~ Our engagement in external work shall not exceed the time limits set out by the relevant collective agreements or by our agreements with our supervisors.

[This modification is necessary because the deleted phrase inaccurately reflects members' legal responsibilities.]

## CHAPTER FOUR: CONFLICTS OF COMMITMENT

Basic Principle. A conflict of commitment is a special form of conflict of interest that arises with respect to how we spend our time in relation to our specific work assignments. A real conflict of commitment exists whenever our involvements with other activities infringe upon our commitment to our assigned work. If a real conflict of commitment exists then steps must be taken either to reduce or eliminate these other involvements or to renegotiate our work assignment to a reduced level.

Because many university members are extended considerable discretion over the use of their work time, *apparent* or *potential* conflict of commitment situations arise from time to time. These situations are frequently clarified and/or resolved through open disclosures, discussions, and amiable negotiations between supervisors and parties whose external involvements occasion these concerns.

This chapter applies to anyone who works for or at the University and receives remuneration for this work, whether in a full or part-time capacity. The basic principle may be stated as follows: We may well make other commitments, remunerative or not, so long as these do not interfere with or prevent us from honouring in full our specific and general commitments to Concordia University. What is fundamentally decisive is not the extent or kind of these other activities and involvements, but whether and to what degree these commitments detract from our ability to honour our commitment to Concordia.

Full-Time Employment. All full-time faculty, staff, administrators and fellowship-holders are expected to make a full-time commitment to the University and are not to hold any other full-time remunerative positions. However, they may hold other *part-time* remunerative positions, as their specific collective agreements allow, if these can be performed without compromising their ability to perform assigned tasks in keeping with expected standards.

Communicating Expectations. Those supervising and hiring people for the University and extending fellowships to students must spell out their tasks and standards clearly so that those employed and granted fellowships know what is expected of them. Those working for the University should be regularly informed by their supervisors how well they are meeting these expectations.

Distinguishing Between Internal and External Activities. Internal activities comprise all activities we do which are integral to our work as University members. The scope and character of this work are generally defined by our contracts, job descriptions, and/or collective agreements. The nature and extent of this work reflects our roles within the University as full- and part-time faculty, students, librarians, staff, administrators or governors. External activities ordinarily include any ongoing work that is regularly remunerative (such as external teaching positions, work for externally established businesses, and most consulting) and unrelated to regular, University-assigned work.<sup>11</sup>

Consultative, Professional and Community Work. Within clearly specified limits, as outlined in respective collective agreements or other regulations, full-time faculty, staff and fellowship-holders may engage in consultative, professional, artistic and community activities, both remunerative and not, as part of their regular *internal* university work. These activities in several ways may contribute to the ability of faculty, staff and fellowship holders to perform their regular expected tasks and may also enhance the ability of the University to serve the larger academic and social community. Faculty involved in consultative community work often discover that these involvements not only help them to teach better but also to learn of ideas and information.

Criteria for Involvement. Decisions to engage in consultative and professional activities, understood as being either *internal* to or *external* to regular university work, must always be made in *open consultation* with appropriate supervisors and colleagues. These activities (1) should not interfere with our ability to perform our primary obligations as instructors, scholars, artists, administrators, and colleagues, (2) should further our professional development, and (3) should be in keeping with University goals and objectives. Decisions to undertake such involvements are not strictly private, personal decisions. The University, through the relevant supervisors and colleagues, must be made aware of these involvements and can raise questions as to their extent and appropriateness. In this regard, all full-time faculty, administrators, staff, and fellowship holders are expected to complete *disclosure forms* annually and to discuss their consultative and professional involvements with their supervisors. ~~Negative decisions should be subject to fair and independent appeals mechanisms.~~ Attempts at resolution of disagreements may be made by discussions with the superior of the individual who has made a negative decision.

[This modification is necessary because we cannot provide a formal appeal mechanism for a decision of this nature. Normal hierarchical discussion would seem to be sufficient].

Guide for Full-Time Faculty. The collective agreement between the full-time faculty and the University indicates that faculty members as part of their regular work week can spend up to an average of one day per week in *external* consultative and professional activities in so far as these represent an extension of our regular university commitments and in so far as they are fully reported. This time limit is not to be abused or used as an excuse to allow faculty to compromise their basic commitments as instructors, scholars, artists and colleagues, and professionals. Supervisors and colleagues can question the advisability and extent of these involvements whenever they seem problematic. The collective agreement provides further means for the university and faculty members to adjudicate any disputes and appeal decisions that may take place.

## CHAPTER FIVE: ADDRESSING ETHICAL ISSUES

### A. Introduction: Types of Ethical Issues

As university members, we primarily raise and resolve ethical concerns through

existing supervisory and collegial relationships.

Ethical issues assume several typical forms, each calling for a different response.

1. Dilemmas. For many dilemmas and conflicts, there is no one right answer. We may legitimately differ on how to handle some conflict-of-interest situations, for example, or the best way to promote work-place equity, the role of deception in empirical research, the fair allocation of university resources, or how to reward good work. Dilemmas and conflicts are best handled through discussion, consultation, negotiation, and, at times, hard bargaining. Many of the ethical concerns related to academic integrity and conflicts of commitment are best handled initially by discreet but frank discussion among those involved. Some conflicts over values are managed by negotiations between the University and the faculty and employee associations. Conflicts arising in areas covered by collective agreements should be adjudicated according to these agreements.

2. Misconduct. Some ethical issues arise in relation to acts of misconduct. University members are guilty of misconduct whenever they violate any of the few strict, obligatory standards incorporated in this code or in parallel clauses of the relevant collective agreements, codes or policies.<sup>12</sup> For the purposes of this code, all of the following constitute acts of misconduct: (1) plagiarism, (2) fabrication of research results, (3) cheating on exams, essays, theses, and lab reports, (4) violating legal standards with respect to the use of research funds or University Guidelines on contract research, (5) fraudulently using University resources, (6) failing to disclose significant conflicts of commitment or significant conflicts of interest involving the use of University resources, material financial interests, or external collaborative activities, and (7) repeated instances of questionable practice in spite of formal warnings. All cases of misconduct are subject to disciplinary action either by virtue of the procedures set out in the relevant collective agreement or by virtue of the procedures set out in this code, as the case may be.

3. Questionable Practice. Finally, many ethical concerns arise in response to questionable practice or performance. Cases involving questionable practice often develop because of inattention, carelessness or poor judgment. They occur because of honest but mistaken views regarding the propriety of particular practices or because of negligence. Generally, they represent failure to live up to general standards rather than failure to meet strict obligations. A number of examples of questionable practice can be identified, such as, failing to retain research data, not maintaining research records, misrepresenting speculation as fact, failing to excuse oneself or to notify superiors about valued personal relations which might affect one's impartial decision-making, exceeding reasonable limits in the use of discretionary time for consultative purposes, and making inappropriate joint authorship claims. This list can easily be extended to include related activities like inadequately supervising research subordinates, the excessive uncompensated use of University resources, the failure to gain informed consent from research subjects, and the unsafe use of hazardous or dangerous materials.

Difference From Misconduct. The National Academy of Science (USA) has distinguished these questionable practices from actual academic misconduct on the basis that the latter identify more serious violation of scholarly and scientific standards executed with

wilful intent.<sup>13</sup>

Managing Questionable Practices. Most questionable practices are best handled through ordinary supervisory and collegial patterns of accountability. Apparent or potential conflict-of-interest situations can often be clarified by collegial and departmental discussion. They can also be defined and managed by supervisory direction. Likewise, real, potential and apparent conflicts of commitment are often circumscribed and resolved through discussion and negotiation between superiors and subordinates. In many cases specific questionable practices are identified and subsequently corrected as University members discreetly but directly voice their concerns to those immediately involved. However, questionable practices can occasion some form of disciplinary action if they persist over time, involve significant use of University resources, or result in harmful consequences.

#### B. Raising Questions, Speaking Up, and Giving Reasons

We address ethical concerns initially by attempting to identify the extent and character of the issues involved. We do this first by consulting with others both formally and informally as colleagues, supervisors and subordinates. This code will have significance only to the extent that University members discuss their activities in relation to it.

Speaking Up Candidly, Directly and Discreetly. It is important that we voice these concerns candidly, directly and discreetly. We should not knowingly withhold relevant information about practices that contravene this guide. We should initially confront those whom we suspect of infractions. If they remain unresponsive and cannot dispel our suspicions, we should communicate with appropriate supervisors and colleagues. Because the reputations of people can be inadvertently harmed, queries of suspected questionable practices and misconduct should first be voiced privately and professionally. Allegations must not be made frivolously. Public complaints and allegations should be avoided. Malicious allegations deserve reprimands and may occasion disciplinary actions.

Anonymous Allegations. Complaints and allegations received from unnamed and unacknowledged sources will not be considered. No actions will be taken on the basis of anonymous information except where there is a clear and present physical danger to persons or property.

Confidential Inquiries. It is frequently possible to suppress the identity of an informant during the initial phase of an investigation. However, the confidentiality of the informant can continue to be protected only in cases where evidence in support of allegations can be demonstrated without having to identify the informants. University members cannot be subjected to formal investigations based on hearsay and anonymous testimony.

Honest Error. University members can raise questions regarding the propriety of actions that are later judged to be acceptable or questionable but of insignificant



importance. They should not be penalized for raising questions that reflect honest error or legitimate disagreement. The University will protect whistle-blowers who act in good faith, but will discipline those who act maliciously.

Committees and Offices. The animal care committee consults with University members who use animals in their research or teaching. Faculty, students and staff engaged in research using human subjects must consult with the University or departmental Human Research Ethics Committees. University members can consult with ~~the code~~ **designated** officers whenever issues arise in relation to ~~the code of non-academic conduct~~ **behavioural** issues. [I have made this sentence more generic due to the current review being conducted with respect to the "rights and responsibilities" policies of the University which may result in nomenclature changes] Furthermore, the University has established an ombuds office to help University members with respect to perceived abuses or conflicts. The university offers support to students through its Advocacy and Support Services. As well the students' association has established a student advocacy committee.

Ethics Advisory Committee. This code calls for the creation of a Concordia Ethics Advisory Committee. This committee of five members would be appointed and would report to the Senate. It would have two purely advisory functions. The first is to review the status of this code and to recommend to the Senate and Board any changes to it. Its second role is to advise University members on handling ethical issues related to this code. If University members want guidance on how to handle particular conflicts of interest or if we seek clarification about controversial research procedures, ~~or if we desire to review the fairness of particular disciplinary measures,~~ [Such a committee cannot review the fairness of disciplinary measures] we may ask this committee for advice. The counsel of this committee ~~would~~ is not be binding.

Giving Reasons. Whenever we state ethical views, wether in relation to an ideal we seek to realize, resolutions we propose for dilemmas, inquiries we raise regarding questionable practices, or accusations we make of misconduct, we need to articulate the reasons for our positions. Assertions or censures without comprehensible reasons consist in expressions of personal opinion or positional power. They do not represent ethical communication.

### C. Good Management

Chairs and Supervisors as Code Administrators. While all University members are expected to act in keeping with this code, chairs and supervisors are especially expected to administer this code<sup>14</sup>. As administrators of the code, chairs, supervisors, deans and senior administrators are expected to familiarize themselves with it and other relevant collective agreements and policies, and to understand their bearing on the work and activities of their departments, classes and units. They are expected to administer in good faith this code and these other agreements and policies. They are expected to familiarize members of their unit with the relevant provisions of these codes and agreements.



Managing With This Code. Chairs, supervisors and other administrators are expected to use this code as a point of reference as they manage their departments or units, especially as they manage conflicts, handle dilemmas, and respond to queries about questionable conduct. If the activities of University members appear to pose a real or potential conflict of interest or conflict of commitment, chairs and supervisors shall manage these situations in the following way. They shall first judge whether real or potential conflict exists, perhaps consulting with their supervisors or others. In the event that they judge that conflict exists, they shall meet with the person(s) in question to agree upon a plan of action to avoid, to limit, and/or to manage the conflict appropriately as called for by these guidelines and relevant collective agreements. Written documentation of these agreements shall be held by both parties with copies to appropriate dean or senior administrator as the case may be. In the event that agreement cannot be reached, the case shall be referred through appropriate channels for resolution up to and including the appropriate vice-rectors, secretary-general and the Rector.

Enforcing the Code. Administrators, chairs and supervisors are called upon to enforce this code at the appropriate levels of jurisdiction. They are expected to identify and manage instances of misconduct. In the process, they may counsel and seek to persuade those involved to change their conduct, and may initiate disciplinary actions as allowed by university policies or collective agreements<sup>15</sup>. If the conduct seems serious enough, they should request that their deans or corresponding unit supervisor ~~make formal allegations.~~ **initiate disciplinary procedures.**

## CHAPTER SIX: JUDGING AND DISCIPLINING MISCONDUCT

~~The basic procedures for identifying, judging and disciplining acts of misconduct include the following four elements. One, formal allegations are made by some one with this adjudicatory responsibility, such as chairs for students, deans for faculty, directors for other staff, vice rectors with respect to deans, and so forth. Two, judgments are rendered by a different person or body with binding authority designated for this purpose. Three, those against whom formal allegations have been made have the opportunity to have their cases heard by independent tribunals, also with binding authority either after judgements have been made for those covered by the collective agreement or as part the process of making judgements by those not covered by collective agreements. Four, subsequent disciplinary actions, if any, will then be taken by those assigned this authority. For students, faculty and librarians, staff and senior administrators, the responsibilities for each of these actions are held by different offices and bodies, and the relationships among these elements differ.~~

When a supervisor feels that a case of misconduct exists, he or she shall initiate the disciplinary procedures set out in the relevant collective agreements or contained in this code, as the case may be. In all cases, those against whom formal allegations are made shall have the opportunity to be apprised of the evidence against them and to respond to the allegations.

[The modification of the paragraph above was necessary because it attempted to provide a general outline of how the procedures would work in the different collective agreement and non-collective agreement settings throughout the University. Because this is such a difficult task, the paragraph contained inaccuracies with respect to given constituencies. As such, I have proposed a shorter and more basic paragraph.]

Fair Procedures. Allegations of misconduct must be handled fairly and discreetly. While allegations are being investigated, ~~by deans' offices, hearing boards or senior administrators,~~ [I have deleted all references to Code officers as unions might find this objectionable. Designated officials are mandated in the various collective agreements to investigate and make decisions. As such, every effort must be made to avoid contradicting those collective agreements. It should be left to the designated official's discretion as to how best to investigate an allegation.] those accused must be allowed to see and respond to the allegations of others, to represent their own positions, to present evidence on their own behalf, and receive a written report of the investigation. All evidence, positive and negative, should be shared with those who are accused. All parties to these investigations and any subsequent hearings will be asked to sign written statements pledging themselves to confidentiality of these proceedings.

During any hearings, conducted either by a grievance board, a hearing board or an arbitrator, all parties may be able to call witnesses, question the witness of others, be accompanied by union or any relevant association representatives, see all the evidence being considered, and respond to any allegations against them. No disciplinary actions or dismissals shall be imposed without just and sufficient cause. University members against whom allegations have been made are presumed to be innocent until they are judged by appropriate authorities to be guilty.

Preliminary Phase: Raising Complaints and Making Inquiries. Any member of the University may raise questions or make complaints about behaviour that seems to be either an instance of questionable practices or misconduct. Normally, we would voice these concerns to relevant chairs and supervisors, except where conduct of the latter is a matter of concern. In that case, we may move either laterally or up, by speaking to other chairs or supervisors, or by communicating with the next higher level of supervisors. Once we have raised the matter, as ordinary members of the University we are not expected to make formal allegations of misconduct. It is the responsibility of chairs, supervisors, deans and vice-rectors, as code administrators, to make allegations with respect to misconduct.

Making Allegations. Formal written allegations will be made by chairs in the case of students, deans in the case of faculty, directors in the case of staff, and the Rector in the case of senior administrators. They will make formal allegations only after they have instituted investigations to determine the existence and extent of the alleged misconduct. In making allegations, they frequently will be responding to inquiries and complaints of

other University members.

~~Code Officers. Each dean will appoint an existing associate or vice dean as a code officer. This person will help the dean in managing and enforcing this code with respect to the full and part time faculty, full and part time students, and research staff primarily working within their jurisdictions. The Vice Rector Services, the Vice Rector Institutional Relations and Finance, and the Secretary General will name officers to aid them with respect to enforcing the code among the staff under their supervision. When asked by their deans or vice rectors (Services and Finance), these code officers will investigate any cases for which allegations of misconduct and serious questionable behaviour are being considered. They will undertake preliminary investigations prior to any formal allegations being made. They will attempt to determine the seriousness of the actions, and how they contravene this code and/or relevant codes and/or collective agreements. They may call upon the parties involved and any witnesses they choose to invite.~~

[As noted above, the notion of Code Officers is problematic. Each supervisor or designated official has ample discretion with respect to deciding how an allegation should be investigated.]

Hearings and Judgements. Faculty, Librarians, and Most Staff. In the case of all faculty and librarians and most staff, judgments of misconduct are rendered by designated administrative officials. For example, the Vice-Rector Academic renders judgements with respect to faculty and the Vice-Rector Services with respect to librarians. The several collective agreements covering the relations of faculty, librarians and staff to the university provide those charged with the opportunity to grieve their charges. Grievances proceedings allow for hearings at which University members can appeal the judgments rendered against them.

Hearings and Judgements. Students. In cases not covered by the academic code of conduct, allegations of misconduct will be made by chairs and hearings will take place before specially designated hearing boards, appointed by the relevant dean. The dean will receive the recommendations of the hearing board. ~~in turn enforce the judgment of the hearing board. Final judgements will be made by the Dean. These procedures will take place in accord with the code of conduct (academic) when relevant.~~

[These modifications were necessary to i) more clearly reflect the fact that this procedure does not replace the current code of conduct (academic) and ii) allow the Dean to make the final decision and to not be bound by a hearing board's recommendation.]

Hearing and Judgments. Senior Administrators. Allegations of misconduct will be made by the Rector in the case of senior administrators or Chair of the Board of Governors in case the Rector is being charged. These same officials will appoint hearing boards and receive the recommendations of the hearing boards. Final judgements will be made by the officials.

Hearing and Judgments. Other Staff. With respect to other staff not covered by collective agreements, the responsibilities for making formal allegations, appointing hearing boards, and making judgements vary with differences in patterns of reporting. Several basic principles hold. ~~Formal allegations of misconduct shall not be made by immediate supervisors but by officials at least two levels superior. These same officials will~~ **Supervisors shall report allegations of misconduct to their superiors who shall, in turn, be responsible for conducting investigations and recommending the convening of a hearing board.** Hearing boards will be appointed by the relevant vice-rectors or the secretary-general or by subordinate officials authorized by them **who shall receive the recommendations of the hearing boards.** Final judgements will be made by those appointing these boards.

Hearing Boards. Hearing boards are constituted to hear serious cases of alleged misconduct. Hearing boards are named by senior administrative officials when they are called upon to make judgments and determine disciplinary action (if any) in relation to cases for University members not covered by collective agreements. They hear cases of individuals against which formal allegations of misconduct have been made. Hearing boards will hear allegations in confidence, review them and, if they choose, initiate further investigations, receive the testimony of witnesses, and allow for arguments and counter-arguments. Hearing boards shall reach their decisions within 60 days of being notified of allegations. These recommendations shall be submitted to university officials who appointed that board and who will then make a judgement. Copies of these recommendations shall be transmitted to each of the principal parties.

The Formation of Hearing Boards. A hearing board is a three-person tribunal named by the respective deans (in the case of students, research staff), vice-rectors, **secretary-general**, Rector, or Chair of the Board. Persons named to hearing boards will be chosen from a hearing tribunal panel of 8. The panel is appointed by the Rector with the approval of the Senate, and including among their number faculty, students, staff, and administrators. Except for students (who will serve a one-year term), they will serve two-year rotating terms. The composition of specific hearing boards should reflect those against which allegations have been made. One hearing board member will be named as chair.

Possible Disciplinary Actions. When University members are found guilty of misconduct or serious instances of questionable practice, several different kinds of disciplinary action may be instituted. The actions recommended ought to correspond to the seriousness of the infractions and avoid the extremes of being either too lax or too severe. Recommended actions can include, **but are not limited to**, any of the following: letters of warning, letters of reprimand, compensations for those affected, fines, temporary suspensions, long-term suspensions, dismissals and court actions.

[General Comment - One University official should be designated as being responsible for the code. While the code calls for the creation of an Advisory Committee which would recommend changes to the code and assist members who wish guidance on the handling of

particular issues, it is necessary to appoint a senior University official who would be available to answer day to day implementation and enforcement questions.]

## NOTES

<sup>1</sup>The word "code" is used for this document because it sets forth in a systematic order relevant ethical standards for the academic work of the university. The word "code" is used here with both meanings which have been associated with this term: namely, as both a systematically ordered set of rules and as a statement of prevailing values and standards with respect to an expected way of acting. It is in any cases preeminently a code of ethics, i.e. rules and principles for good conduct.

<sup>2</sup> Misconduct is defined in chapter five, section A. Ordinary treatment of misconduct is discussed in chapter five, section C. Allegations, judgments, hearings, and the disciplinary treatment of misconduct are discussed in chapter six.

<sup>3</sup> This code is deliberately written in a discursive form suitable for a collegial institution. When this code is called upon for disciplinary purposes, it is necessary to give due allowance that it is written in this manner. In many places, it gives examples or standards for illustrative purposes without attempting to cover in detail all the ethical concerns that might arise within universities. Activities not explicitly forbidden by this code are not necessarily thereby permitted.

<sup>4</sup>Unless specifically noted, the word "faculty" through out this code refers to both full-time and part-time faculty, just as the word "student" refers to both full-time, and part-time and graduate students.

<sup>5</sup>Those guidelines represent in modified ~~from~~form the rules used by the International Committee of Medical Journal Editors' statement on authorship.

<sup>6</sup>For a fuller discussion, see the Guidelines of the Social Sciences and Humanities Research Council *Guidelines for research with human subjects*.

<sup>7</sup>Funded research must receive a certificate from the Human Research Ethics Committee.

<sup>8</sup>For a fuller discussion see the Guidelines of the Canadian Council on Animal Care, *Guidelines on Animal Care*.

<sup>9</sup>The NSERC Award Guide, paragraph 190.

<sup>10</sup>Significant financial interest includes ownership, substantial stockholding, directorships, substantial honoraria or consulting fees, but does not include routine stockholding in largely publicly traded companies.

<sup>11</sup> Some remunerative activities can be undertaken as part of our work internal to the University. The following ordinarily count as internal activities even though they are remunerative: receiving honoraria for occasional speeches or lectures, receiving royalties for books, texts, music written while a University member; fees paid for patented or copyrighted material; and fees paid for serving as expert witnesses for government inquiries. Usually the remuneration here is paid not directly for time spent in preparing these products but for the products themselves. In contrast the following ordinarily count as external activities: providing counselling services, running a consulting business, operating a private laboratory, teaching courses at other universities, schools or businesses, and providing contracted consulting services. In all these cases, the remuneration is paid directly for the time spent in the form of per diem payments, salaries or stipends.

<sup>12</sup>Misconduct is defined by legally negotiated agreements which take precedent over definitions offered in this code in any cases where difference in wording or definition occur.

<sup>13</sup>See statement of the National Academy of Science (USA) on the difference between misconduct and questionable behaviour.

<sup>14</sup>This administrative or managerial responsibility as spelled out here extends to teachers in relation to the students they teach or supervise, deans with respect to chairs, the Rector with respect to the deans and senior administration, the Chair of the Board with respect to the Rector and Board members.

<sup>15</sup>According to Full-Time Faculty collective agreement, academic chairs are not allowed to initiate formal discipline.

## APPENDIX: TYPICAL STEPS IN THE LIFE HISTORY OF ETHICAL ISSUES

### I. FOR CASE INVOLVING DILEMMAS, QUESTIONABLE PRACTICES OR THE PURSUIT OF IDEALS

#### ONE: AN ISSUE IS RAISED

A). An initial attempt is made to identify the nature of the issue (see Chapter 5-

#### TWO: PURSUING AND RESOLVING ISSUES

- A. Either by speaking up, raising questions, and/or making argument by oneself or by others (see Chapter 5-B).
- B. And/or by managing the concerns raised (see Chapter 5-C).

### II. FOR CASES INVOLVING SUSPECTED MISCONDUCT

#### ONE: ISSUE RAISED REGARDING SUSPECTED MISCONDUCT (Chapter 6)

Complaints, questions, or accusations are made to appropriate supervisors.

#### TWO: INITIAL RESPONSE

Supervisor attempts to assess the problem and correct the situation where possible. If these efforts succeed, then the case may be dropped or resolved at this stage (see Chapter 5-C).

#### THREE: STEPS PRELIMINARY TO FORMAL ALLEGATIONS

Supervisor (as well as others) may then petition the Dean or equivalent unit supervisor to consider formal allegations. The Dean or equivalent administrator then mandates a formal investigation of the case. ~~undertaken by a code officer. The code officer undertakes the investigation and advises the Dean or equivalent unit supervisor.~~ [This deletion is necessary for reasons already discussed] Depending upon the results of this investigation, the Dean or equivalent unit supervisor



may dismiss the case or attempt to manage the problem using resources and discretion available to them in keeping with university policies and collective agreements.

FOUR: FORMAL ALLEGATIONS

If the results of the investigation warrants it, the Dean or equivalent unit supervisor shall then make a formal allegation.

FIVE: ADJUDICATION AND JUDGEMENT

The case will then be adjudicated by the appropriate officer or hearing board: ~~the Vice Rector Academic in the case of faculty, the Vice Rector Institutional Relations and Finance or Vice Rector Services in the case of staff covered by collective agreements,~~ the designated employer representative in the context of collective agreements or specially designed hearing boards in the case of senior administrators and staff not covered by collective agreements. The hearing board will deliberate cases referred to them and make recommendations to the Rector or relevant Vice-Rectors or Secretary-General, who will render final judgements.

SIX: GRIEVANCE PROCEDURES

All university members whose work is covered by collective agreements can grieve to grievance committees, judgements rendered against them.

N.B. In cases where student<sup>s</sup> are suspected of misconduct that does not fall within the ambit of the code of conduct (academic) the chairs will be responsible for investigating complaints and accusations, as well as making formal allegations. Adjudication will be conducted by specially appointed hearing boards, who will make recommendations to the appropriate deans. The latter will render final judgements.